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## FULBRIGHT & JAWORSKI L.L.P.

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1637  
RECEIVED

AUG 30 2002

TECH CENTER 1600/2900

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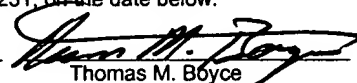
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August 22, 2002

CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below:

August 22, 2002  
Date

  
Thomas M. Boyce

Commissioner for Patents  
Washington, D.C. 20231

Re: SN 09/613,535 Entitled "METHODS AND RECOMBINATORIAL  
NUCLEIC ACID SYNTHESIS" – George L. Murphy et al.  
Matter No. 10008810/AMBI:055

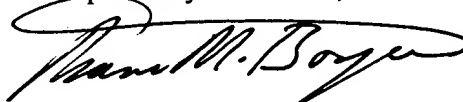
Sir:

Enclosed for filing in the above-referenced patent application is:

- (1) Response to Restriction Requirement Dated June 26, 2002;
- (2) Request for Extension of Time to Respond to Office Action Dated June 26, 2002 (one month);
- (3) Check for \$55.00 for the one month extension of time; and
- (4) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/AMBI:055.

Respectfully submitted,



Thomas M. Boyce  
Reg. No. 43,508

Encl.: As noted

25201016.1



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#10/Electr.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
George L. Murphy et al.

Serial No.: 09/613,535

Filed: July 10, 2000

For: METHODS FOR RECOMBINATORIAL  
NUCLEIC ACID SYNTHESIS

Group Art Unit: 1637

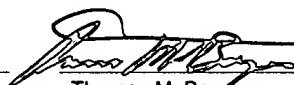
Examiner: Spiegler, A. H.

Atty. Dkt. No.: AMBI:055US

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August 22, 2002	
Date	Thomas M. Boyce

RESPONSE TO RESTRICTION REQUIREMENT  
DATED JUNE 26, 2002

Commissioner for Patents  
Washington, D.C. 20231

Sir:

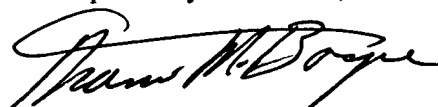
This is in response to the restriction requirement mailed on June 26, 2002, to which a response is due on August 26, 2002, by virtue of the accompanying Petition for Extension of Time, and payment of fees. No other fees are believed to be due in connection with the filing of this response; however, should applicants' check be missing, or any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/AMBI:055.

## RESPONSE

In response to the restriction requirement which the Examiner imposed, Applicants elect, without traverse, to prosecute the Group I invention, as exemplified by claims 1-48 and 53-57 drawn to creating a nucleic acid and using a primer. Accordingly, claims drawn to the inventions of Groups II and III are canceled from the present case without prejudice or disclaimer. Applicants reserve the right to prosecute claims to the non-elected inventions in continuing applications.

The examiner is invited to contact the undersigned with any questions regarding this response.

Respectfully submitted,



Thomas M. Boyce  
Reg. No. 43,508  
Attorney for Applicants

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Date: August 22, 2002